

## **REMARKS**

### **Subject Matter of the Invention**

The present application relates to the treatment of psychological disorders by the administration of nerve growth factor.

Claims 1, 14 and 15 have been amended to delete recitation of certain conditions which the Examiner submits lack written support in the specification. While Applicants traverse that assessment they amend their claims without prejudice to pursuing claims of similar scope in continuing prosecution in order to secure an early allowance of their claims. In addition dependent claims 3, 6, 7, 19 and 25-28 have also been cancelled.

### **Outstanding Rejections**

Claims 1,3, 6, 7, 10-15 and 19-28 stand rejected under 35 U.S.C. §112 (first paragraph) as lacking written descriptive support.

Claim 25 stands rejected under 35 USC 102(b) as being anticipated by Kordower et al. and by Gnahn et al.

Claims 25 -28 stand rejected under 35 USC 103(a) as being obvious over Kordower et al. and by Gnahn et al.

Claims 1-7, 11-15 and 19-28 are rejected under 35 USC 103(a) as being unpatentable over Frey, II et al (US Publication No. 2003/0072793 A1).

### **Patentability Arguments**

A. **Rejections of Claims 25-28 Under 35 U.S.C. §102 and 103 Should be Withdrawn.**

The rejections of claims 25-28 over Kordower et al. or by Ghahn et al. may be withdrawn in light of the cancellation of those claims.

B. Rejection Under 35 U.S.C. §112 (first paragraph) Should be Withdrawn.

The rejections of claims 1, 3, 6, 7, 10-15 and 19-28 for lack of written descriptive support should be withdrawn in light of the amendment of the claims to delete the offending subject matter. Specifically, independent claim 1 has been amended to delete recitation of “bipolar disorder,” “agoraphobia” and “attention deficit syndrome” and claim 14 has been amended to delete recitation of “chronic fatigue syndrome.” At the same time, dependent claims 3, 6 and 7 directed to those conditions have also been deleted. The Examiner has previously indicated claims 8 and 9 to be otherwise allowable and Applicants submit that claim 1, as amended, and claims 2, 4, and 8-14 depending therefrom are now in condition for allowance.

Independent claim 15 has been amended to recite only the subject matter of claims 16, 17 and 18 which the Examiner has indicated to be otherwise allowable. Accordingly, the rejection of claim 15 should now be withdrawn.

C. The Rejections Under 35 U.S.C. §103 over Frey II Should be Withdrawn.

The obviousness rejection of claims 15-18 and 20-24 over Frey II should be withdrawn because independent claim 15 from which the other claims depend has been amended to recite the limitations of claims 16, 17 and 18 which have been indicated to be patentable if rewritten in independent form. Accordingly, each of claims 15-18 and 20-24 which depend from claim 15 should now be allowed.

The obviousness rejection of claims 1-7 and 11-14 over Frey II should also be withdrawn because of the amendment of claims 1 and 14 to delete subject matter objected to by the Examiner. Frey II discloses administration to subjects of various neurologic agents including NGF but it is primarily directed to a mode of administration rather than treatment of any particular condition with any particular agent. Specifically, Frey II is directed to delivery of agents to the central nervous system by way of a tissue innervated by the trigeminal nerve that is outside the nasal cavity.

Thus, paragraph 0051 of Frey II discloses as many as twenty-nine (29) different neurologic agents for use according to its delivery method only one of which is nerve growth factor (NGF). Similarly, paragraph 0168 of Frey II discloses a laundry list of at least seventeen (17) neurologic disorders and disorder types but does not specifically disclose the administration of NGF for any. Finally, the three examples of Frey II are each directed to the administration of Insulin-like Growth Factor I. As such, Frey II fails to specifically

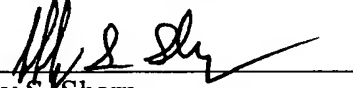
disclose treatment of the remaining conditions of claim 1 with NGF. Accordingly, the rejection of claims 1-7 and 11-14 over Frey II should be withdrawn.

## CONCLUSION

In view of the above amendment, Applicants believe that the pending application is in condition for allowance. For the foregoing reasons, the rejection should now be withdrawn and a notice of allowance of all pending claims is respectfully solicited. Should the Examiner wish to discuss any issues of form or substance in order to expedite allowance of the pending application, he is invited to contact the undersigned attorney at the number indicated below

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Respectfully submitted,

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